

10.(canceled) The apparatus as described in claim 9 wherein a key is required to disconnect the arm from the surface within the retail store.

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cont 11. (canceled) The apparatus as described in claim 9 wherein the musical instrument is a cymbal.

12. (original) The apparatus as described in claim 9 wherein the arm is articulated.

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#### REMARKS

The Examiner's Office Action of March 12, 2003 has been carefully reviewed. Each basis for objection and rejection is addressed hereinafter.

The objections to the drawings under 37 C.F.R. 1.83 (a) are noted. Claim 1 has been amended such that "a cymbal" is no longer a recited element of the claim. Accordingly, there is no need to depict the cymbal within the drawings. Furthermore, the similar objection to the drawings based upon claim 10 is deemed overcome by the cancellation of claim 10.

Next, the Examiner rejected claims 1, 5, 6, 10 and 11 under 35 U.S.C. 112, second paragraph as "being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention." More specifically, claim 1 was rejected as lacking support for "u-shaped base"; claim 5 was rejected as lacking antecedent basis for "one lock bar"; claim 6 was rejected as lacking antecedent basis for "the screw assembly"; claim 10 was rejected as lacking

antecedent basis for "a key"; and claim 11 was rejected as being indefinite in that it claimed a musical instrument.

Applicant believes that the claim amendments made hereinabove overcome these rejections. Claim 1 has been amended to delete both references to "u-shaped" base. Claim 6 has been amended to provide proper antecedent basis. Finally, claims 5, 10 and 11 have been canceled.

The Examiner then rejected claims 2 and 5-8 under 35 U.S.C. §102 as being anticipated by Stone. Claims 9 and 10-12 were rejected under 35 U.S.C. §102(b) as being anticipated by Ermanski. Finally, claims 3 and 4 were rejected under 35 U.S.C. 103(a) as being unpatentable over Stone and further in view of Hoshino. Nonetheless, the Examiner did indicate the Claim 1 was allowable over the cited art. Each of the rejections is addressed more fully hereinafter.

The rejection of claim 2 under 35 U.S.C. § 102(b) under Stone and of claim 9 under 35 U.S.C. § 102(b) under Ermanski are deemed overcome on the basis of the claim amendments made herein. That is, each of these independent claims now recites either "a base plate cantilevered within the wall for supporting the apparatus" (claim 2) or "an arm" that is "interconnected to" a "slat wall" (claim 9). Neither Stone nor Ermanski disclose these features.

Much to the contrary, Stone and Ermanski both illustrate C-clamps with cooperating screws that are for use in connecting to a table (see Stone '285, Col. 3, line 45; Ermanski '498, Col. 2, line 31). Neither Stone nor Ermanski teach (or even suggest) the use of a slat wall, as called for in claim 9; nor do these references teach the use of a base that is cantilevered *within* a wall, as called for in claim 2.

Accordingly, Applicant respectfully submits that the Examiner's rejection of claim 2 and 9 under 35 U.S.C. §102(b) should be withdrawn. Likewise, the Examiner's rejection of all remaining claims that depend from claims 2 and 9 should also be withdrawn (*i.e.* claims 3,4, 6, 7, 8, and 12). The Examiner's rejection of these claims is not addressed.

Yet, there is a separate and distinct reason for withdrawing the rejections under 35 U.S.C. §102(b). Both claims 2 and 9 now also recite the use of a "lock bar" that is secured to the "slat wall" (claim 9) or "behind the wall" (claim 2). This lock bar allows the display apparatus to be securely fastened to a wall within the retail establishment. Neither Stone nor Ermanski teach or suggest such a construction. In his rejection, the Examiner argues that member 68 of Stone "constitutes a lock bar with a screw pivotally mounted to the base plate." Yet, there is no teaching or suggestion of inserting member 68 behind a wall or within a slat, as required by the amended claims. Rather, as illustrated in Fig. 1 of Stone, the clamp screw 68 is designed to be tightened by hand onto a table. Even if the clamp screw 68 were inserted into a slat wall, there would be no structure enabling user rotation of the screw. Accordingly, the recitation of a "lock bar" in claims 2 and 9 also constitutes a basis of allowability over the art cited by the Examiner.

All grounds for objection and rejection are deemed overcome by way of the arguments and claim amendments made hereinabove. Thus, the Examiner is respectfully urged to withdraw his rejections and issue a Notice of Allowance.

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I HEREBY CERTIFY that the foregoing was placed in an envelope and mailed via First Class Mail, postage prepaid to: U.S. Patent and Trademark Office, 2011 South Clark Place, Customer Window, Mail Stop Fee Amendment, Crystal Plaza Two, Lobby, Room 1B03, Arlington, V.A. 22202 on this the 12th day of September, 2003.

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